

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF MARCH 25, 2010

Stephen Huddleston, J.D., President called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Lynda Smirz, M.D.
Worthe Holt, Jr., M.D.
Bharat Barai, M.D., Vice President
Thomas Akre, D.O.
Donald Vennekotter, M.D., Secretary

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Lynda Smirz, M.D.

Allen/Smirz, 4/0/0
Motion carries

The Board voted to adopt the minutes of the February 25, 2010 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D.,

Smirz/Vennekotter, 5/0/0
Motion carries

The Board voted to re-adopt the amended minutes of the September 24, 2009 meeting after an error had been discovered.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D.,

Barai/Vennekotter, 5/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following was continued:

Robert K. Ueda, M.D. Initial Application

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath:

Faidherbe Ceus, M.D. – Dr. Ceus appeared before the Board regarding a positive response on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D.

Dr. Ceus was incarcerated for nine (9) months for perjury in which he testified that he was a Board Certified Psychiatrists. He was not Board certified.

After discussion the Board moved to APPROVE Dr. Ceus' application for licensure.

Barai/Vennekotter, 5/0/0
Motion carries

Robert Valentine, M.D. – Dr. Valentine appeared before the Board regarding positive responses on his initial application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Dr. Valentine successfully completed his recovery monitoring contract with the Tennessee Medical Foundation. His sobriety date is May 22, 2005. He continues to attend AA meetings.

After discussion the Board moved to APPROVE Dr. Valentine's application for licensure.

Vennekotter/Allen, 6/0/0
Motion carries

Jennifer Maya, M.D. – Dr. Maya appeared before the Board regarding a request for a waiver of the USMLE three (3) attempts rule and was represented by counsel Brian Betner.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

844 IAC 4-4.5-12(1) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the examination, the applicant must obtain a passing score."

Dr. Maya passed the USMLE step 1 on her fourth (4th) attempt.

Martin Wieschhaus, M.D., F.A.A.P., Director St. Joseph Regional Medical Center Family Medicine Residency was sworn in as a witness for Dr. Maya.

After discussion the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Letter of support from Jennifer Ludwig, M.D., Associate Director, St. Joseph Graduate Medical Education
- Letter of support from William Sarnat, M.D., Midwest Cardiovascular Specialists
- Letter of support from Daniel Triezenberg, M.D., St. Joseph Graduate Medical Education
- Letter of support from Lynn Olszewski, R.N., MSA, Director, Northwest Indiana Area Health Education Center
- Martin Wieschhaus, M.D., F.A.A.P., Director St. Joseph Regional Medical Center Family Medicine Residency appeared on behalf of Dr. Maya. He also submitted a letter of support.
- Demonstrated the chronic shortage of primary care Physician's in Indiana by submitting documentation from the Association of American Medical Colleges and Indiana University School of Medicine
- Two (2) years of Residency training in Indiana
- Committed to four (4) years of practicing at the Federally Qualified Health Center known as HealthLinc in Porter, Starke and LaPorte counties which are underserved areas in the State of Indiana.
- Passed Step 2 and Step 3 on the first attempt

Holt/Barai, 7/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Joseph Claude Carver, M.D., License No. 01039351A, Cause No. 2006 MLB 0020

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Dr. Carver submitted a letter from the Ohio Board indicating that he had completed his Ohio probation and his license is in good standing.

He has completed and passed the CPEP and is in complete compliance with his Indiana probationary order.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW Dr. Carver's Order of Probation.

Barai/Allen, 7/0/0
Motion carries

Phillip Delano Foley, M.D., License No. 01019413A, Cause No. 2009 MLB 0031

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Terry Richmond, Deputy Attorney General and Michael Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Allen, 7/0/0
Motion carries

**Stephanie Colson Sharpe, M.D., License No. 01051569A, Cause No. 2010
MLB 0003**

Respondent did appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Fred Frick, M.D., Indiana State Medical Association Impaired Physician's Program, was sworn in as a witness for the State.

Bonnie Colson was sworn in as a witness for the Respondent.

Dr. Frick testified that the Respondent's contract with ISMA has been terminated due to her recent incident of trying to fill a fraudulent prescription.

Dr. Frick informed the Board that the Respondent has had multiple relapses and multiple diversion issues. He stated that he feels she is a clear and immediate danger to the public and that she is not safe to care for any patients. He also stated she is in relapse right now and is actively using.

Bonnie Colson testified that her daughter, Dr. Sharpe has her full support.

Dr. Sharpe informed the Board that she has never had any malpractice actions and no patient issues. She admitted that she changed the refills on the prescription and purposefully took the prescriptions to an out of state pharmacy so she wouldn't show up on Indiana's INSPECT program.

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Vennekotter, 7/0/0
Motion carries

Kara Benson-Rink, M.D., License No. 01051607A, Cause No. 2009 MLB 0035

Respondent did appear in person and was represented by counsel, John Cento, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner- Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a \$1,000 FINE and INDEFINITE PROBATION with the following terms and conditions:

- Thirty-six (36) hours total of continuing education as follows:
 - *12 hours in the area of medical ethics, boundaries, and professionalism
 - *12 hours in the area of medical record keeping
 - *12 hours in the area of controlled substance management
- Must complete six (6) months of continuous employment in a job that requires her M.D. degree
- Must have employer sign and return a copy of the order within 7 days
- Employer must submit monthly reports for the first six (6) months and quarterly thereafter. Reports must include professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
- Must notify the Board within twenty-four (24) hours of the reinstatement of her DEA privileges

After having reviewed the settlement agreement and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Barai/Akre, 7/0/0
Motion carries

John Kevin Ronan, M.D., License No. 01051528A, Cause No. 2008 MLB 0034

Respondent did appear in person and was represented by counsel, John Ittenbach, regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION with the following term and condition:

- Must provide certified documentation that his California license has been reinstated

After discussion the Board requested to amend the terms and conditions by adding that he must comply with:

- IC 25-1-9-11 Reinstatement of suspended licenses
Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

After reviewing the amended agreement and taking its file into consideration the Board moved to APPROVE the amended agreement.

Barai/Akre, 7/0/0
Motion carries

Beverley J. P. Edwards, M.D., License No. 01026336A, Cause No. 2009 MLB 0024

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Joe Dunn, U. S. Department of Justice Drug Enforcement Administration and Leroy McCurley, M.D. were sworn in as witnesses for the State of Indiana.

The Board heard testimony from the Respondent, Dr. Edwards in which she admitted to prescribing controlled substances and/or legend drugs to ten (10) different patients on several occasions. She also admitted that she issued the prescriptions prior to physically examining all ten (10) patients.

The Board moved to break for lunch at 12:30 p.m. and reconvened the Edwards hearing at 1:45 p.m.

The Board heard further testimony from the Respondent, Dr. Edwards.

The Board heard testimony from Mr. Dunn and Dr. McCurley.

After having considered the evidence presented, testimony of the witnesses and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Barai/Smirz, 6/1/0, with Dr. Holt objecting

Motion carries

The Board further moved to impose a \$10,000 FINE payable within ninety (90) days

Allen/Vennekotter, 4/3/0, with Dr's Holt, Akre and Smirz objecting
Motion carries

The Board further moved to impose COSTS for the Professional Licensing Agency and the Attorney General's Office. The Professional Licensing Agency and Attorney General's Office has thirty (30) days to submit costs to the Respondent. The Respondent then has thirty (30) days to object. After the objection time the Respondent has thirty (30) to submit costs.

Smirz/Barai, 7/0/0
Motion carries

DISCUSSION

Kristen Kelley explained to the Board that an applicant was recently issued a psychology license based on a forged transcript. Professional Licensing Agency is trying to determine whether there are enough safeguards in place with all of the boards and committees to prevent this from happening again in the future.

- The process was explained to the Board and they felt comfortable with all the checks and balances that we have with physicians as the following already take place:
 - NBME & USMLE verify education prior to allowing them to sit for the examination
 - American Medical Association (AMA) verify education and we receive a report for every applicant as a requirement for licensure
 - Most applicants use Federation Credentials Verification Service (FCVS) that also verify all education directly with the medical program.
 - Foreign graduates' education is also evaluated by the Education Commission for Foreign Medical Graduates (ECFMG)
 - Post Grad training programs verify education before they can begin their residency program

In addition to all the above, IPLA have the following guidelines in place:

- Transcripts must come either through the FCVS packet or must come directly from the school in a sealed envelope
- Case managers will be documenting on the transcripts that they came in original envelope and envelope will be discarded
- More scrutiny will take place with case managers in evaluating the transcripts for authenticity

- Email transcripts will be accepted if they come directly from the school and there is a mechanism to validate or assure that they have not been altered
- Exam scores need to come directly from the exam service in a sealed envelope.
- Temporary permits will be issued with a notarized copy of a pocket license, or original verification directly from the state, however, the case manager will verify the license status online with AMA & the state licensing board

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

The Board reviewed the positive response information on the following applicants and approved them for licensure: Allen/Holt, 7/0/0 Motion carries

Mohammad Fattal, M.D.

Debra Gulyanics, M.D.

The Board reviewed the positive response information on the following applicants and requested a personal appearance. Vennekotter/Akre, 7/0/0 Motion carries

Rodrigo Banegas, M.D.
Timothy Ruff, M.D.

Stanley Kokocki, M.D.
Paul Duncan, M.D.

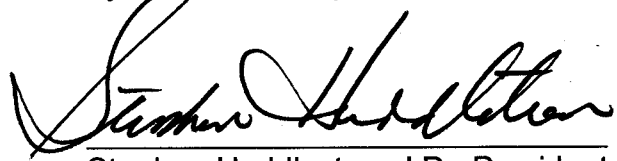
PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Smirz/Akre, 7/0/0 Motion carries

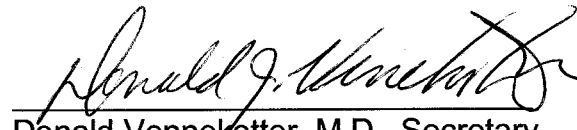
Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Thomas Akre, D.O.

Abdul-Jabbar Jabori, 10000504A
Katherine Ortiz, initial app
Natasha Stewart, 10001011A

There being no further business the Board adjourned at 6:30 p.m.

A handwritten signature in cursive script, appearing to read "Stephen Huddleston", written over a horizontal line.

Stephen Huddleston, J.D., President

A handwritten signature in cursive script, appearing to read "Donald J. Vennekotter", written over a horizontal line.

Donald Vennekotter, M.D., Secretary